

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BASSEY B. NDEMENOH,

Plaintiff,

v.

VINCENT BOUDREAU, *et al.*,

Defendants.

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED:**

20-CV-4492 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On December 21, 2020, Plaintiff filed an affirmation of service, averring that she had served process on Defendants via FedEx delivery. Dkt. 17.

Federal Rule of Civil Procedure 4(e) provides that an individual within the United States may be served process “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Fed. R. Civ. P. 4(e)(1). Although the laws of New York permit service by mail in conjunction with “delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served,” N.Y. C.P.L.R. § 308(2), they do not permit service exclusively by mail unless in-person service “cannot be made with due diligence,” *id.* § 308(4). Plaintiff’s affirmation of service does not reflect that she delivered the summons and complaint in person, and Plaintiff has made no showing that in-person service cannot be made with due diligence. Therefore, Plaintiff has not properly served process in compliance with New York law.

Summons were issued in this case on October 19, 2020. Dkt. 8–13. Plaintiff thus has until January 17, 2021 to properly serve process on the Defendants. *See* Fed. R. Civ. P. 4(m). The Court reminds Plaintiff that service must comply with Federal Rule of Civil Procedure 4 and N.Y. C.P.L.R.

§ 308 to be proper. The Court would also like to inform Plaintiff that free legal assistance may be available to her should she find that she needs it. Specifically, the New York Legal Assistance Group (“NYLAG”), which is an independent free legal clinic, may be able to assist her. Plaintiff can reach NYLAG by calling (212) 613-500 or emailing info@nylag.org.

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: December 28, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

RONNIE ABRAMS
United States District Judge